

## **REMARKS**

The Office Action mailed October 13, 2006 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

### **I. Claims Summary**

Claims 54 and 56-60 are currently pending in the application, with claims 54, 57, and 59 being independent claims. Claims 46, 47, and 49 are cancelled; claim 54 is amended; and claims 57-60 are added, in accordance with the above amendments.

The Office Action rejects claims 54 and 56 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 4,267,710 to Imamichi.

### **II. Discussion of Rejections**

#### *Discussion of Claims 54 and 56*

Independent claim 54 recites a method of manufacturing an article of apparel. The method includes selecting a first yarn with a first degree of water absorbency and a first degree of dimensional-transformation upon exposure to water. In addition, a second yarn is selected with a second degree of water absorbency and a second degree of dimensional-transformation upon exposure to the water. The first yarn and the second yarn are mechanically-manipulated to form a textile with a structure that is modified from a first structure to a second structure upon exposure to the water to change a property of the textile. The second structure has a plurality of nodes in comparison with the first structure, and the second structure defines spaces between the nodes that are located adjacent each other. Each of the nodes are at least partially formed from both the first yarn and the second yarn. The method also includes incorporating the textile into the article of apparel.

According to the Office Action, the cotton yarn of Imamichi would absorb water and increase in diameter, and the “increased diameter of the cotton yarn would ‘project’ nodes onto the surface of the fabric” (Office Action, page 3, lines 6-7). Based upon this interpretation of Imamichi, each exposed portion of cotton yarn would form a node on the surface of the textile. That is, the textile of Imamichi would have a plurality of nodes located immediately adjacent each other. In contrast with Imamichi, however, independent claim 54 recites that there are

spaces between the nodes that are located adjacent each other. That is, the nodes define spaces between each other. This configuration is neither taught nor suggested by Imamichi.

Based upon the above discussion, the Applicants respectfully submit that independent claim 54 is allowable over Imamichi. In addition, claim 56 should be allowable for at least the same reasons.

#### *Discussion of Claims 57 and 58*

Independent claim 57 recites a method of manufacturing a textile for an article of apparel. The method includes a step of selecting a first yarn with a first degree of water absorbency and a first degree of dimensional-transformation upon exposure to water. A second yarn is also selected with a second degree of water absorbency and a second degree of dimensional-transformation upon exposure to the water. The first degree of dimensional-transformation is greater than the second degree of dimensional transformation. The first yarn and the second yarn are mechanically-manipulated to form a textile with a first surface and an opposite second surface. The first yarn is more concentrated adjacent to the first surface of the textile than the second yarn, and the second yarn is more concentrated adjacent to the second surface of the textile than the first yarn. The textile is modified from a first structure to a second structure upon exposure to the water. The second structure has a plurality of nodes in comparison with the first structure. The nodes extend outward from only the second surface of the textile, and the nodes are distributed to define spaces between the nodes that are located adjacent to each other.

According to the Office Action, the cotton yarn of Imamichi would absorb water and increase in diameter, and “the cotton yarns would be larger in diameter thus pushing the synthetic yarns outward creating nodes” (Office Action, page 3, lines 7-8). Accordingly, the cotton yarns form nodes on the surface where the cotton yarns are concentrated, and the synthetic yarns would form nodes on the opposite surface where the synthetic yarns are concentrated. That is, the Examiner has taken the position that nodes would form on both surfaces of the textile.

In contrast with Imamichi, independent claim 57 recites a configuration wherein the nodes extend outward from only the second surface of the textile (i.e., the surface where the second yarn is more concentrated). Whereas Imamichi teaches a configuration wherein nodes form on both surfaces, independent claim 57 recites a configuration wherein nodes extend outward from only one surface. This configuration is neither taught nor suggested by Imamichi.

In addition and in contrast with Imamichi, independent claim 57 also recites that the nodes are distributed to define spaces between the nodes that are located adjacent to each other. That is, the nodes define spaces between each other. This configuration is neither taught nor suggested by Imamichi.

Based upon the above discussion, the Applicants respectfully submit that independent claim 57 is allowable over Imamichi. In addition, claim 58 should be allowable for at least the same reasons.

#### *Discussion of Claims 59 and 60*

Independent claim 59 recites a method of manufacturing a textile for an article of apparel. The method includes a step of selecting a first yarn with a first degree of water absorbency and a first degree of dimensional-transformation upon exposure to water. A second yarn is selected with a second degree of water absorbency and a second degree of dimensional-transformation upon exposure to the water. The first degree of water absorbency is less than the second degree of water absorbency, and the first degree of dimensional-transformation is less than the second degree of dimensional transformation. The first yarn and the second yarn are mechanically-manipulated to form a textile with a first surface and an opposite second surface. The first yarn is substantially concentrated adjacent to the first surface of the textile, and the second yarn is substantially concentrated adjacent to the second surface of the textile. The textile is modified from a first structure to a second structure upon exposure to the water. The first structure has a configuration wherein the first surface and the second surface are substantially planar, and the second structure has a configuration wherein the first surface remains substantially planar and a plurality of nodes extend outward from the second surface of the textile. The nodes are distributed to define spaces between the nodes that are located adjacent to each other, and the nodes are at least partially formed from both the first yarn and the second yarn.

According to the Office Action, the cotton yarn of Imamichi would absorb water and increase in diameter, and “the cotton yarns would be larger in diameter thus pushing the synthetic yarns outward creating nodes” (Office Action, page 3, lines 7-8). Accordingly, the cotton yarns form nodes on the surface where the cotton yarns are concentrated, and the synthetic yarns would form nodes on the opposite surface where the synthetic yarns are concentrated. That is, the Examiner has taken the position that nodes would form on both surfaces of the textile.

In contrast with Imamichi, independent claim 59 recites a configuration wherein the first surface remains substantially planar and a plurality of nodes extend outward from the second surface of the textile (i.e., the surface where the second yarn is more concentrated). Whereas Imamichi teaches a configuration wherein nodes form on both surfaces, independent claim 59 recites a configuration wherein nodes extend outward from only one surface. This configuration is neither taught nor suggested by Imamichi.

In addition and in contrast with Imamichi, independent claim 59 also recites that the nodes are distributed to define spaces between the nodes that are located adjacent to each other. That is, the nodes define spaces between each other. This configuration is neither taught nor suggested by Imamichi.

Based upon the above discussion, the Applicants respectfully submit that independent claim 59 is allowable over Imamichi. In addition, claim 60 should be allowable for at least the same reasons.

### **III. Conclusion**

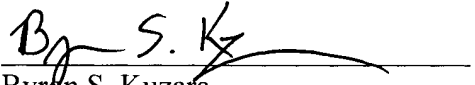
In view of the foregoing, the Applicants respectfully submit that all claims are in a condition for allowance. The Applicants respectfully request, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being timely filed by through the Electronic Filing System on December 5, 2006. Should fees be deemed necessary for consideration of this Amendment, such fees are hereby requested and the Commissioner is authorized to charge deposit account number 502846 for payment. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at 503.222.5382.

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Respectfully Submitted,

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